

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

BRYAN S. MUCKELROY

§

v.

§

CIVIL ACTION NO. 9:06cv11

COMMISSIONER, SOCIAL SECURITY

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition.

The Social Security Administration determined that Plaintiff was under a disability as defined in the Social Security Act from August 1, 2003, until January 31, 2005, but that his condition improved so that he was not disabled after January 31, 2005. Plaintiff filed objections, which center on his contention that he needs medication to be able to work, but that he cannot afford it if he is not on disability. As the Report and Recommendation states, "if a claimant is not currently disabled, an anticipated disability caused by the inability to continue to afford treatment is irrelevant to a determination that the claimant is disabled." *Burnside o/b/o Burnside v. Bowen*, 845 F.2d 587, 592 (5th Cir. 1988).

This Court has made a *de novo* review of Plaintiff's objections and determined that the objections lack merit. This Court finds that the Magistrate Judge's findings and conclusions are

correct and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED**; and

ORDERS that all motions not previously ruled on are denied.

So **ORDERED** and **SIGNED** this **1** day of **September, 2007**.

A handwritten signature in cursive script, appearing to read "Ron Clark".

Ron Clark, United States District Judge